

I would just hope, and I say this especially to those who are watching this, that they understand, that these are the people who said give us the power and we will impress you with our ability and our skill and our efficiency.

Well, they have the power. Again, they have the power because they control the House, they control the Senate, they control the White House, and they cannot get their work done.

So we are going to punt until November 7, but I want to make a prediction right now, we are going to punt again. And it is kind of sad, because they are not doing the work they are supposed to do. They are not getting the job done.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the points that have been made are echoed all throughout this Chamber.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHAW). The question is the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on the question will be postponed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 418 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 418

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate

only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 418 is a rule providing for the consideration of H.R. 2691, the Department of Interior and Related Agencies Appropriations Act of 2004. The rule waives all points of order against the conference report and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the Interior conference report that the House shall consider, following adoption of this rule, provides for \$19.8 billion in budget authority for fiscal year 2004, which is \$300 million above the level requested by the administration.

Specifically, the bill provides increased levels of funding for the National Park Service, for our system of National Wildlife Refuges, for the Indian Health Service, the Forest Service and the Bureau of Land Management, among others.

As a Member from the West, I am particularly pleased that the conference agreement provides for \$227.5 million for payment in lieu of taxes, or PILT, which is greatly needed to reimburse local communities in Western States whose tax rolls are limited by extensive Federal land holdings in their areas. This bill funds PILT at a level of \$7.5 million above the current year and \$22.5 million above the level requested by the administration.

The bill also provides \$212 million for Indian Trust reform to ensure that Indian Tribes receive full value for oil, gas and other mineral resources Federal agencies permit to be produced on their lands. By law, the Interior Department serves as trustee for Indian lands and resources, and Congress is committed to taking the steps necessary to see that the Department carries out those trust responsibilities to their fullest.

Finally, Mr. Speaker, the conferees are to be commended for their efforts to fund a wide range of forest, health and wildfire safety initiatives. The tragic wildfires now raging in California have focused the public's attention on the importance of reducing the threat of massive fires that endanger both lives and property in their affected areas. This year, the Congress has provided historic levels of resources for Federal fire fighting assistance, including in this conference report a total of \$2.9 billion, one of the largest one-time fire fighting allocations in our history.

The bill includes \$2.5 billion for the national fire plan, as well as additional \$400 million to repay wildfire suppression expenses of last year. These funds emphasize providing fire fighting resources and personnel to keep fires small, reducing wildfire risks by reducing the buildup of hazardous fuels, in-

creasing State, volunteer and community assistance, and stepped up research and development, performance monitoring and accountability.

Specifically, the conference agreement increases wildfire suppression by \$289 million over the current year, wildfire preparedness by \$65 million, hazardous fuels reduction by \$11 million, and forest health and rehabilitation activities by \$35 million over the current year.

Mr. Speaker, the gentleman from North Carolina (Chairman TAYLOR) and his fellow House conferees have done an excellent job under challenging circumstances. They have negotiated an agreement which protects the House positions on provisions far too numerous to mention, and they have reported a balanced bill that meets the most pressing needs of Interior Department and related agencies.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the conference agreement.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes.

Mr. Speaker, again the Committee on Rules has trampled on the rights of the minority and the voices of millions of Americans. Last night, the Committee held an emergency meeting to consider a rule for the Interior appropriations conference report. The Democrats had only an hour to skim the contents of the lengthy report before a quick hearing was held and the rules hastily approved along party lines. Now, this morning, the entire membership of the House is expected to consider the Interior appropriations conference report, even though Members had only a few late-night hours to scan the report.

It is almost November, and we are well into the new fiscal year, with only three of the 13 appropriations bills enacted into law. But inefficiency does not justify our hurriedly passing a bill appropriating almost \$20 billion. The American people expect their elected Representatives will have more than a handful of dark hours in the late night to consider vital legislation.

Mr. Speaker, in the few hours I have had to read this conference report, I saw several problems with the bill. Back in 1992, the funding for the National Endowment for the Humanities and the National Endowment for the Arts reached its funding zenith, \$176 million for each agency. Over the years, the NEA and NEH budgets have been slashed again and again, but for the last 2 years this body has voted to increase the funding for the arts and humanities.

□ 1100

In July, the House adopted the Slaughter-Dicks amendment in increasing the funding for NEA by \$10 billion and funding for NEH by \$5 million. However, the \$10 million budget increase for NEA has been reduced by \$4.5 million and the funding for NEA has been reduced by \$5 million from the levels that the body endorsed.

Investing in the arts, Mr. Speaker, is a smart business. The \$232 million the Federal Government invested in the NEA and NEH last year had an economic impact of \$132 billion and billions in Federal, State, and local tax revenues. Every dollar the NEA invests in local theater groups, orchestras, or exhibitions generates \$7 for the arts organization by attracting other grants and private donations and ticket sales.

Investing in the arts is also smart for our children. Over and over arts education has proven to increase academic performance, regardless of socioeconomic background. The NEA provides the grants for local arts activities in every State and in every congressional district. In Buffalo, New York, the NEA provided a small \$10,000 grant to a community arts group to support a program to offer weekend classes in visual arts and jazz music for the African American children in Buffalo's low-income, inner city east side. Another small community grant to a group in Buffalo provided weekly workshops in media literacy and digital arts for girls age 9 to 15. And in the district of my colleague, the gentleman from Washington (Mr. HASTINGS), an 8-week summer residency program that provided psychiatrically and emotionally impaired children with instruction in creative writing, mask-making, and theatrical improvisation received a community arts grant from the NEA.

Yesterday, the Wall Street Journal told that story of an NEA arts program to bring professional theater companies to perform Shakespeare's plays in hundreds of small and midsize towns. The Chicago Shakespeare Theatre recently brought a live-action "Romeo and Juliet" to Paducah, Kentucky. After the performance, the audience stood up to cheer. The article ends by saying, "Shakespeare played well on stage is a wondrously different thing from Shakespeare stammered through in a classroom."

The National Endowment for the Humanities is at the forefront in preserving our American culture and history. Democracy suffocates without an understanding of its past. The NEH and NEA provide the air that our democracy needs to survive and to thrive. Bruce Cole, the chairman of the National Endowment for the Humanities, warns us that "we face a serious challenge to our country that lies within our borders and even within our schools: the threat of American amnesia. We are in danger of having our view of the future obscured by our ignorance of the past. We cannot see clearly ahead if we are blind to history,

and a nation that does not know why it exists or what it stands for cannot be expected to long endure."

The bill fails to adequately fund programs that protect some of the Nation's most valuable treasures: our natural resources. Again, I repeat the admonition of former President Theodore Roosevelt, one of the fathers of American conservation: "In utilizing and conserving the natural resources of the Nation, the one characteristic more essential than any other is foresight." We are caretakers of the Nation's natural resources and parks. We are entrusted with the duty to preserve them for generations yet to come, and we should not hand over management and protection of the natural treasures of our parks to the lowest bidders.

Going against the bill as passed by this body, the conference report has added funding for studies about privatizing jobs in the National Park Service and the United States Forest Service. The \$8 million for these feasibility studies should be spent more wisely on finding ways to protect our natural resources, not finding ways to eliminate jobs. The report abandons the conservation trust agreement reached and enacted into law in response to the 315 Members of the House who voted for the Conservation Reinvestment Act.

For over a century, the Federal Government has acted as the trustee of monies belonging to native Americans. Seeking a complete accounting of these funds held in trust, our native Americans have sued the Department of the Interior, charging the Department with gross mismanagement of the trust fund. The conference report contains new language added to the report that directly interferes with their continuing litigation by limiting the Department's ability to comply with the judge's orders.

Many tribes from across the Nation are strongly opposed to this intrusion and have written to the gentleman from California (Chairman DREIER) and the gentleman from Texas (Ranking Member FROST), and I will insert for the RECORD at the end of my remarks three of those letters. The Seneca Nation called my office yesterday seeking help to protect their lawsuit from congressional meddling. Like any trustee, the Federal Government owes the tribes a complete accounting of the money. The new provision is a heavy-handed interference in an ongoing case in a co-equal branch of our government. We should show more respect for our Native Americans and our Federal courts.

MANDAN, HIDATSA, & ARIKARA, NATION,
New Town, ND, October 28, 2003.

Hon. DAVID DREIER,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

Hon. MARTIN FROST,
Ranking Member, Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRMAN DREIER AND RANKING MEMBER FROST: The House and Senate conferees have included language in the Interior and

Related Agencies conference report which will halt further efforts by the Interior Department to conduct a historical accounting of the errors in Indian trust fund accounts, as directed by a federal court.

The so-called "trust reform" rider language violates Rule 21, clause 2 of the Rules of the House of Representatives and constitutes legislating on an appropriations bill. The provision also violates the scope rule, House rule 22, clause 9, since the provision was not in either the house or senate bill before conference. Thus, for procedural and substantive reasons set forth below, I ask the Committee to issue a Rule to Recommit the Interior and Related Agencies conference report back to conference with directions to eliminate the offending language.

This provision was drafted without any consultation with the Committee on Resources or with any of the affected class action plaintiffs, or with any Native American tribes. Furthermore, this provision will delay the resolution of the Indian trust fund accounting problem and the court case for years. Native Americans have waited for over 100 years for an accounting. Now is not the time for delay. In fact, many of the Cobell beneficiaries, whose main income depends on a proper accounting, are dying. If the Interior Department is allowed to delay, those older beneficiaries may never be repaid.

There is no question that the Cobell Plaintiffs are likely to win. The Interior Department knows this and that is the reason they are asking for a delay. It simply is not in keeping with American justice to delay the likely meritorious legal claims of hundreds of litigants because the losing party does not like the result. Finally, there are serious constitutional questions of due process and takings that are at stake.

Thus, I reiterate my opposition to the language in the trust reform rider and ask the Committee to issue a Rule to Recommit to Conference.

Sincerely,

TEX G. HALL,
Chairman,
Mandan, Hidatsa & Arikara Nation.

NATIONAL CONGRESS OF
AMERICAN INDIANS,
Washington, DC, October 28, 2003.

Hon. DAVID DREIER,
Chairman, Committee on Rules.

Hon. MARTIN FROST,
Ranking Member, Committee on Rules.

DEAR MEMBERS: It has come to our attention that language in the FY2004 Interior Appropriations bill would allow the Department of Interior to ignore the Cobell v. Norton court ordered historical accounting for one year. This language, if adopted in the Conference Report, would be an unconstitutional violation of Article III powers and would constitute takings in violation of the Fifth Amendment. Additionally, and most importantly, it would be unfair to those parties that have waited out this litigation and are finally seeing a resolution to this historical injustice.

We hereby request that the language be ruled out of order. In the alternative, we respectfully request that the Committee allow a point of order by the authorizing committee Chairman. It is not our desire to ask the committee members to take the unusual step of asking for a motion to recommit in both the House and Senate.

Please note that the authorizing committee has already taken action on this issue. Just last week, the House Resources Committee held a field hearing in Billings, Montana to gather input on developing a process to settle the trust funds lawsuit. Additionally, the Resources Committee will be holding another field hearing this Saturday

at the Salt River-Pima Maricopa Community in Arizona to gather more input on this pressing issue. Finally, Senator Campbell, joined by Senators Inouye and Domenici, has introduced Senate bill 1770 to address concerns raised with the ongoing trust fund litigation, and will hold a hearing on the measure tomorrow.

Thank you for your consideration on this very important and time sensitive matter. If you have any questions regarding this concern, please do not hesitate to contact NCAI at 202.466.7767.

Sincerely,

TEX G. HALL,
President.

NATIVE AMERICAN RIGHTS FUND,
Washington, DC, October 28, 2003.

Hon. DAVID DREIER,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

Hon. MARTIN FROST,
Ranking Member, Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRMAN DREIER AND RANKING MEMBER FROST: The Native American Rights Fund represents 500,000 individual Indians in the Cobell v. Norton Indian Trust Funds lawsuit. We have won every merits phase of this case and the right to have a full accounting of our multi-billion dollar Individual Indian Trust—which contains the proceeds from our own land. The House and Senate conferees have included language in the Interior and Related Agencies conference report which will halt further efforts by the Interior Department to conduct the historical accounting of all the assets of the Individual Indian Trust, as directed by a federal trial and appellate courts.

The so-called "trust reform" rider language violates Rule XXI, clause 2 of the rules of the House of Representatives and constitutes legislating on an appropriations bill. The provision also violates the scope rule, House rule XXII, clause 9, since the provision was not in either the house or senate bill before conference. Thus, for procedural and substantive reasons set forth below, we urge the Committee to issue a Rule to Recommit the Interior and Related Agencies conference report back to conference with directions to eliminate the offending language.

This provision was drafted without any consultation with the Committee on Resources or with any of the affected class action plaintiffs, or with any American Indian tribes. Furthermore, this hostile provision will delay the resolution of the Indian trust fund accounting for years. Native Americans have waited for over 100 years for an accounting. They have played by the rules and litigated this matter in federal court. Now on the brink of justice, this bill would further delay the relief these individual Indians deserve. Justice delayed is justice denied. Many of the Cobell beneficiaries—whose main income depends on these monies and who have not had the benefit of this proper accounting they are owed—are dying. If the Interior Department is permitted to further delay, the unconscionable result will be that those older beneficiaries may never be repaid their own trust money.

Furthermore, the trust funds rider is plainly unconstitutional. By directing the Court how to "construe" existing law, the appropriations rider violates the Constitutional Separation of Powers Doctrine. Indeed, as initially held in *Marbury v. Madison*, 1 U.S. (Cranch) 137, 177 (1803), "It is emphatically the province and duty of the judicial department to say what the law is." Congress can therefore not tell a Court how to "construe" the law—that interpretive function is the Judiciary's.

There is no question that the Cobell Plaintiffs will continue to prevail. The Interior

Department knows this and that is the reason they are asking for further delay. It simply is not in keeping with American justice to delay the decidedly meritorious legal claims of hundreds of litigants because the losing party does not like the result. Finally, there are serious constitutional questions of due process and takings that are at stake.

Thus, I reiterate my opposition to the language in the trust reform rider and ask the Committee to issue a Rule to Recommit to Conference.

Best regards,

JOHN ECHOHAWK,
Executive Director.

Mr. Speaker, I am happy to yield 6 minutes to the gentleman from Washington (Mr. DICKS).

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I rise in support of the rule providing for consideration of the Interior Appropriations Act for fiscal year 2004. Although there are certainly things that I would have done differently, I am generally pleased with the process this year and am glad that we have the opportunity to bring this bill to the floor as a free-standing measure.

I supported the conference agreement and am particularly pleased it included the additional \$400 million added by the other body for emergency wildland fire costs. The House voted overwhelmingly to have the money included in the final conference report, and we were successful in providing it.

Other levels in the bill are far lower than I would have hoped, particularly levels for conservation spending. Under the Conservation Trust Fund law established in 2000, this bill should have funded conservation programs at \$1.56 billion for the Interior part of the bill. Unfortunately, this bill falls roughly \$500 million short of that level. The impact of this cut will be felt nationwide. Funding is reduced for State and Federal land and water conservation fund, historic preservation, park and refuge construction, endangered species work, and forest legacy project. It means projects all over the country will not be done this year.

The agreement does provide small increases for other important programs that I am extremely pleased about. The National Endowment for the Arts receives a \$5 million increase over last year, and that was a direct result of the Slaughter-Dicks amendment that added \$10 million for the National Endowment for the Arts and \$5 million for the National Endowment for the Humanities that was voted on overwhelmingly by the House. And the Tribal College Program receives an additional \$10 million. My colleague from the other body, the ranking Democratic member, Mr. DORGAN, is to be given a pat on the back for his efforts on this matter.

The agreement also addresses the issue of competitive outsourcing with a compromise that I think is responsible. I want to again thank the gentleman from North Carolina (Chairman TAYLOR) and his staff for their work on this

bill, his first, and urge my colleagues to support both the rule for the conference report and the conference report itself.

I want to go back on the issue of funding for firefighting just for a moment. I am deeply concerned about the process that we have today, the way we fund the efforts to deal with forest fires in our country. What we do is we in essence appropriate some of the money, but then give the agencies the ability, the Forest Service and the BLM, to borrow money from other accounts in order to fund all of the money that is necessary for fighting the fires. And then we do not replenish the amount of money necessary. In 2003, I think we were short a couple of hundred million dollars in terms of replenishing the money necessary to make up the funding that was borrowed.

Now, with FEMA, we do not do it that way. We just give FEMA the money, and they draw it down and then we replenish it; and this is what I think we should do. We have got to come up with a new way of funding firefighting in this country. It is not acceptable.

The other problem we have is we have old, antiquated equipment. We have a whole group of airplanes that are 40-plus years old that we are using for firefighting. And according to the staff on the Subcommittee on Interior Appropriations, we are losing lives because we are using this old equipment.

So I would urge that next year we make this a priority, that we have a committee investigation. I am going to talk to the gentleman from California (Chairman LEWIS) on the Subcommittee on Defense and the gentleman from North Carolina (Chairman TAYLOR) on the Subcommittee on Interior. We have to get some new equipment for these firefighters. It is outrageous that we are sending them out with these old airplanes and not replacing them. The planes that we use now are, I think, C-130s that are in some cases over 40 years old. I just had a chance to fly in a few of these over in Iraq; and I want my colleagues to know, I would not want to be fighting fires in these old planes.

So we have a lot of work to do, and I hope even in this supplemental, because of the situation in California. I understand the chairman of the Interior Appropriations Committee in the other body is considering an amendment to add money for additional funds for firefighting for the Forest Service and for the BLM. That should be done. We should not go in and start this year and start borrowing immediately on the 2004 money in order to fund these fires in California.

Now, I understand that \$500 million was added in FEMA; and definitely, there is a requirement here for \$100 million-plus for the Forest Service and the BLM.

So, Mr. Speaker, this is a good bill, and I am going to vote for this bill; but we have additional things that need to be done in the supplemental or in the omnibus.

So this is an important matter. I know there is a lot of controversy on the agreement on how we are going to deal with these trust accounts, and I just want to say, I am concerned about the potential liability here to the country and to the Congress if we do not come up with a settlement here. The authorizing committees have promised us over and over again that they are going to deal with this issue. Well, they have had one hearing. The pace of their activity is not what I would call brisk. They need to get busy here. They made commitments to the gentleman from North Carolina (Chairman TAYLOR) and myself that they were going to get busy on this issue. Well, they need to do it. That is not just in the House; it is also in the other body. They have to get busy, because this is a crisis that is affecting the Department of the Interior, and it is going to affect tribal programs and mean less funding for our tribes because of this if we do not come up with an answer. So we have some work to do.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the comments of my colleague, the gentleman from Washington (Mr. DICKS). I think much of this bill reflects positively on his leadership and hard work over the years on this committee. I appreciate that there are some things in here that deal with the notion of how we are going to protect the national Mall, issues of protecting the employees in the Department of the Interior, although I would have rather preferred the House-passed ban on contracting out their positions.

But I must come to the floor in deep disappointment, Mr. Speaker, dealing with the way that we have treated the conservation trust fund. I was one of the people that supported the landmark legislation that was advanced by the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER) that had huge, bipartisan support to address a serious failure on the part of Congress to fund our conservation programs. There are vast, unmet needs across the country.

We came together, passed the legislation in the House. It was held up in the other body, but there was a reasonable alternative that was brokered in no small measure due to the hard efforts of my colleague, again, the gentleman from Washington (Mr. DICKS). We went along with CARA Light as it was called, with the assurance that we had a trust fund in place. And I am sad to say that the commitment that was made to a bipartisan majority of this Chamber has been violated. This will would almost cut in half the program this year. The traditional acquisition programs are funded at \$272 million, a little over half of what they received last year. I am deeply, deeply concerned.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to point out, and the gentleman, I think, mentioned this, this was a bipartisan agreement, by the way. This was not something that was just done by myself and the gentleman from Wisconsin (Mr. OBEY). This was something that the gentleman from Ohio (Mr. REGULA) was involved in and Mr. BYRD was involved in. So it had both House and the other body working together on this alternative, and so this was a bipartisan agreement. That is why it hurts me deeply that we have not been able to keep this up.

□ 1115

But budget levels have been so ridiculously low for the Interior, our allocation, that it has been almost impossible. The committee has made some very difficult choices, but I am completely in concurrence. I think their commitment was made. We should stay with it. We should get back to it, and, hopefully, we will at some point in the future.

But I have to concur with the gentleman that we are \$500 million below where we were supposed to be under the agreement.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I appreciate the comments of the gentleman from Washington (Mr. DICKS), and I thank him for his hard work. In part, it is true that this underfunding is the result of the allocations that were given to the subcommittee. And I do not envy the gentleman from Washington (Mr. DICKS) or his colleague in terms of trying to fight this through. But the fact is, that this problem is part of the consequence of the decision of people who are running the show here in the House to systematically shortchange fundamental needs of the American public by moving forward with massive tax cuts.

There are also issues that I have deep concerns about in terms of misallocation of funds while we deal with the important issue of rebuilding Iraq and dealing with Afghanistan.

The point is there was a fundamental commitment made on a bipartisan basis by the leadership in this Chamber and in the other body in order to forestall mandatory spending under the Land and Water Conservation Fund, with the enactment of CARA.

There are other things in this bill that give me great pause that have nothing to do with finances. There are egregious riders dealing with the Tongass and Montana forests that are a real set back for the environment. The bill does not include House-passed language that prevented the construction of new roads through our national parks, wildlife refuges, and national monuments under the guise of the obscure 1866 mining law known as RS 2477 that is a path to destruction through national treasures.

There is a lot here to be concerned about, and, unfortunately, the way

that the rule is structured and brought before us, the House is not going to be able to address them.

So in conclusion, Mr. Speaker, I would just say I appreciate the difficulty that the subcommittee had in some regards, and I appreciate the commitment of the gentleman from Washington (Mr. DICKS) to helping follow through on this agreement that was reached to be able to protect the environment. I hope we can do better. But I would think that we ought to start by rejecting the rule, rejecting the bill before us and make sure that we do right by the important agreements that we have for our environment and not approve destructive riders.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I rise in strong opposition to the rule because of a provision included in the Interior conference report that would limit the Federal Government's accountability to over a half million American Indian Trust beneficiaries by preventing the Department of Interior from conducting a complete historical accounting of individual Indian Trusts, as directed by a Federal court last month in Cobell versus Norton litigation.

Last year, the House voted overwhelmingly to strike a similar provision in the fiscal year 2003 Interior appropriations bill. And in July of this year, the gentleman from North Carolina (Chairman TAYLOR) graciously agreed to drop a similar provision from the fiscal year 2004 Interior funding bill before it was considered on the House floor.

Despite these actions, the provision in the conference report, once again, serves to delay justice to the Indian beneficiaries who have waited for over 100 years for an accounting while opening up the government to new legal claims.

The Congressional Native American Caucus opposes this provision. The chairman and ranking Democrat of the Committee on Resources, the authorizing committee, oppose this provision. As a matter of fact, just a few minutes ago, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL), during the markup over in the Committee on Resources, asked that if this rule is approved to vote against the Interior appropriations bill.

In addition, this provision was drafted without the input of the authorizing committee or any of the Indian Trust beneficiaries or Indian tribes.

Mr. Speaker, this provision violates the House rule against legislating on the appropriations bill. It may also violate the House scope rule since the provision was included in the conference report without having first been included in either the House or the Senate bills. It violates, I believe, the U.S. Constitution separation-of-powers doctrine since the provision dictates how a

Federal law relating to Indian Trust management reform should be interpreted. That interpretive function is the responsibility of the courts.

The House Committee on Resources held two hearings on Indian Trust funds this year, and it plans to hold more hearings. These hearings in the authorizing committee will produce the proper framework for settlement negotiations to resolve the Cobell case. Let us give the authorizing committee the opportunity to complete its job.

Mr. Speaker, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) are seriously committed to this. That is why they asked just a few minutes ago that if this rule is passed and the bill does come for a vote, the conference report, that we vote "no" on that conference report.

So I urge my colleagues, Mr. Speaker, to oppose the rule and to vote against the conference report.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHAW). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately noon.

Accordingly (at 11 o'clock and 22 minutes a.m.), the House stood in recess until approximately noon.

□ 1205

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 12 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on adoption of those resolutions on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

House Resolution 417, by the yeas and nays; and

House Resolution 418, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

PROVIDING FOR CONSIDERATION OF H.J. RES. 75, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 417, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 311, nays 112, not voting 11, as follows:

[Roll No. 574]

YEAS—311

Abercrombie	Cubin	Holden
Ackerman	Culberson	Hostettler
Aderholt	Cunningham	Hoyer
Alexander	Davis (CA)	Hulshof
Baca	Davis (FL)	Hunter
Bachus	Davis (TN)	Hyde
Baker	Davis, Jo Ann	Isakson
Ballenger	Davis, Tom	Israel
Barrett (SC)	Deal (GA)	Issa
Bartlett (MD)	DeLauro	Istook
Barton (TX)	DeLay	Jackson (IL)
Bass	DeMint	Janklow
Beauprez	Diaz-Balart, L.	Jenkins
Bell	Diaz-Balart, M.	John
Bereuter	Dicks	Johnson (CT)
Berkley	Doolittle	Johnson (IL)
Biggert	Dreier	Johnson, Sam
Bilirakis	Duncan	Jones (NC)
Bishop (GA)	Dunn	Jones (OH)
Bishop (NY)	Ehlers	Kanjorski
Bishop (UT)	Emerson	Keller
Blackburn	Engel	Kelly
Blumenauer	English	Kennedy (MN)
Blunt	Evans	Kennedy (RI)
Boehlert	Everett	Kind
Boehner	Farr	King (IA)
Bonilla	Fattah	King (NY)
Bonner	Feeney	Kingston
Bono	Ferguson	Kirk
Boozman	Flake	Kline
Boswell	Foley	Knollenberg
Boucher	Forbes	Kolbe
Boyd	Fossella	LaHood
Bradley (NH)	Franks (AZ)	Larson (CT)
Brady (PA)	Frelinghuysen	Latham
Brady (TX)	Gallely	LaTourette
Brown (SC)	Garrett (NJ)	Leach
Brown-Waite,	Gerlach	Lewis (CA)
Ginny	Gibbons	Lewis (KY)
Burgess	Gilchrest	Linder
Burns	Gillmor	LoBiondo
Burr	Gingrey	Lucas (KY)
Burton (IN)	Goode	Lucas (OK)
Buyer	Goodlatte	Majette
Calvert	Gordon	Maloney
Camp	Goss	Manzullo
Cantor	Granger	Marshall
Capito	Graves	Matheson
Cardin	Green (WI)	Matsui
Cardoza	Greenwood	McCotter
Carson (OK)	Gutknecht	McCrery
Carter	Hall	McHugh
Case	Harman	McInnis
Castle	Harris	McKeon
Chabot	Hart	McNulty
Chocola	Hastings (WA)	Meek (FL)
Clyburn	Hayes	Menendez
Coble	Hayworth	Mica
Cole	Hefley	Millender-
Collins	Hensarling	McDonald
Cox	Herger	Miller (FL)
Cramer	Hill	Miller (MI)
Crane	Hobson	Miller (NC)
Crenshaw	Hoeffel	Miller, Gary
Crowley	Hoekstra	Mollohan

Moore	Ramstad
Moran (KS)	Regula
Murphy	Rehberg
Murtha	Renzi
Musgrave	Reyes
Myrick	Reynolds
Napolitano	Rogers (AL)
Nethercutt	Rogers (KY)
Neugebauer	Rogers (MI)
Ney	Rohrabacher
Northup	Ros-Lehtinen
Norwood	Ross
Nunes	Rothman
Nussle	Roybal-Allard
Oberstar	Royce
Obey	Ruppersberger
Ortiz	Rush
Osborne	Ryan (WI)
Ose	Ryun (KS)
Otter	Sabo
Oxley	Saxton
Pastor	Schrock
Paul	Scott (GA)
Pearce	Scott (VA)
Pence	Sensenbrenner
Peterson (MN)	Sessions
Peterson (PA)	Shadegg
Petri	Shaw
Pickering	Shays
Platts	Sherwood
Pombo	Shimkus
Pomeroy	Shuster
Porter	Simmons
Portman	Simpson
Price (NC)	Skelton
Pryce (OH)	Smith (MI)
Putnam	Smith (NJ)
Quinn	Smith (TX)
Radanovich	Smith (WA)
Rahall	Solis

NAYS—112

Allen	Hinchey	Neal (MA)
Andrews	Hinojosa	Oliver
Baird	Holt	Owens
Baldwin	Honda	Pallone
Ballance	Hooley (OR)	Pascarell
Becerra	Inslee	Payne
Berman	Jackson-Lee	Pelosi
Berry	(TX)	Rangel
Brown (OH)	Jefferson	Rodriguez
Brown, Corrine	Johnson, E. B.	Ryan (OH)
Capps	Kaptur	Sanchez, Linda
Capuano	Kildee	T.
Carson (IN)	Kilpatrick	Sanchez, Loretta
Conyers	Klecza	Sanders
Cooper	Kucinich	Sandlin
Costello	Langevin	Schakowsky
Cummings	Lantos	Schiff
Davis (AL)	Larsen (WA)	Serrano
Davis (IL)	Lee	Sherman
DeFazio	Levin	Slaughter
DeGette	Lewis (GA)	Snyder
Delahunt	Lipinski	Spratt
Deutsch	Lofgren	Stark
Dingell	Lowey	Strickland
Doggett	Lynch	Tauscher
Doyle	Markey	Thompson (CA)
Edwards	McCarthy (MO)	Tierney
Emanuel	McCarthy (NY)	Udall (CO)
Eshoo	McCollum	Udall (NM)
Etheridge	McDermott	Van Hollen
Filner	McGovern	Velazquez
Ford	McIntyre	Waters
Frank (MA)	Meehan	Watson
Frost	Meeks (NY)	Watt
Gonzalez	Michaud	Waxman
Green (TX)	Miller, George	Weiner
Grijalva	Moran (VA)	Wexler
Hastings (FL)	Nadler	Woolsey

NOT VOTING—11

Akin	Fletcher	Lampson
Cannon	Gephardt	Pitts
Clay	Gutierrez	Stupak
Dooley (CA)	Houghton	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

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Messrs. DEUTSCH, RANGEL, JEFFERSON, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Ms. MCCARTHY of